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To: U.S. Patent and Trademark Office
 MS RCE

Facsimile: 703.872.9306

From: David L. Devernoe - 50,128**Date:** July 9, 2004

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Comments:

Attorney Docket: 564462000801
 Group Art Unit: 1652
 Examiner: R. Prouty
 Serial No.: 09/382,242
 Filing Date: August 24, 1999
 Inventor(s): Dan E. ROBERTSON et al.
 Title: ESTERASES

Papers attached:

1. Request for Continued Examination (1 page);
2. Fee Transmittal (1 page + duplicate);
3. Request for Extension of Time Under 37 CFR 1.136(a) (1 page);
4. Amendment (17 pages);
5. Exhibit A, attached to the Amendment (3 pages).

sd-208401

PTO/SB/30 (09-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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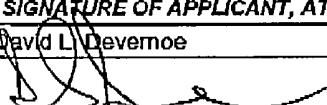
Request For Continued Examination (RCE) Transmittal		Application Number 09/382,242
Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Filing Date August 24, 1999
First Named Inventor Dan E. ROBERTSON		Art Unit 1652
Examiner Name R. Prouty		Attorney Docket No. 564462000801

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

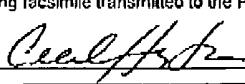
1. Submission required under 37 CFR 1.114		Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).	
a. <input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.		i. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ ii. <input type="checkbox"/> Other _____	
b. <input checked="" type="checkbox"/> Enclosed		i. <input checked="" type="checkbox"/> Amendment/Reply (17 pages)	iii. <input type="checkbox"/> Information Disclosure Statement (IDS) <input checked="" type="checkbox"/> Fee Transmittal (1 page + duplicate), Petition for Extension of Time (1 page), Exhibit A, attached to the Amendment (3 pages), Fax Cover Sheet
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)		iv. <input checked="" type="checkbox"/> Other _____	
2. Miscellaneous			
a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)			
b. <input type="checkbox"/> Other _____			
3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.			
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952			
i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e) ii. <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) iii. <input checked="" type="checkbox"/> Other Additional claims fee _____			
b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed			
c. <input type="checkbox"/> Payment by credit card (Form PTO-2030 enclosed)			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David L. Devernoe	Registration No. (Attorney/Agent)	50,128
Signature			
	Date	July 9, 2004	

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, MS RCE, facsimile no. (703) 872-9306, on the date shown below.

Dated: July 9, 2004

Signature:  (Cecilia Huerta)

PTO/SB/17 (10-03)

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,211.00)

Complete If Known

Application Number	09/382,242
Filing Date	August 24, 1999
First Named Inventor	Dan E. ROBERTSON
Examiner Name	R. Prouty
Art Unit	1652
Attorney Docket No.	584462000801

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
--------------------------------	--------------------------------------	--------------------------------------	--------------------------------	-------------------------------

 Deposit Account:

Deposit Account Number	03-1952
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Deposit Account Name	Morrison & Foerster LLP
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The Director is authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Credit any overpayments
<input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
to the above-identified deposit account.	

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385
1002	340	2002	170
1003	530	2003	285
1004	770	2004	385
1005	160	2005	80
SUBTOTAL (1) (\$)		0.00	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Fee from Claims below	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description
42	-62 = 0	
11	-9 = 2	43.00 = 86.00
Multiple Dependent		

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202 9	Claims in excess of 20
1201	96	2201 43	Independent claims in excess of 3
1203	230	2203 145	Multiple dependent claim, if not paid
1204	96	2204 43	** Reissue independent claims over original patent
1205	18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		86.00	

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65	Surcharge - late filing fee or oath
1052	50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053 130	Non-English specification
1812	2,520	1812 2,520	For filing a request for ex parte reexamination
1804	820*	1804 820*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251	110	2251 65	Extension for reply within first month
1252	420	2252 210	Extension for reply within second month
1253	950	2253 475	Extension for reply within third month
1254	1,480	2254 740	Extension for reply within fourth month
1255	2,010	2255 1,005	Extension for reply within fifth month
1401	330	2401 165	Notice of Appeal
1402	330	2402 165	Filing a brief in support of an appeal
1403	290	2403 145	Request for oral hearing
1451	1,510	1451 1,510	Petition to Institute a public use proceeding
1452	110	2452 55	Petition to revive - unavoidable
1453	1,330	2453 665	Petition to revive - unintentional
1501	1,330	2501 665	Utility issue fee (or release)
1502	480	2502 240	Design issue fee
1503	640	2503 320	Plant issue fee
1480	130	1460 130	Petitions to the Commissioner
1607	50	1607 50	Processing fee under 37 CFR 1.17(q)
1806	180	1806 180	Submission of Information Disclosure Stmt
8021	40	8021 40	Recording each patent assignment per property (unless number of properties)
1609	770	2809 365	Filing a submission after final rejection (37 CFR 1.129(a))
1610	770	2810 365	For each additional invention to be examined (37 CFR 1.129(b))
1601	770	2801 365	Request for Continued Examination (RCE)
1602	900	1802 900	Request for expedited examination of a design application
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$)
			1,125.00

(Complete if applicable)

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Signature	Registration No. (Attorney/Agent)	Telephone	Date
David L. Devernoe		50,128	(858) 720-7943	
Signature				July 9, 2004

sd-208391

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 1,211.00)**Complete if Known**

Application Number	09/382,242
Filing Date	August 24, 1999
First Named Inventor	Dan E. ROBERTSON
Examiner Name	R. Prouty
Art Unit	1652
Attorney Docket No.	564462000801

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number	03-1952
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Deposit Account Name	Morrison & Foerster LLP
----------------------	-------------------------

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEES CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity** **Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	820*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	740.00
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or release)	
1502	480	2502	240	Design issue fee	
1603	640	2503	320	Plant issue fee	
1450	130	1450	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(e)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	385.00
1802	900	1902	500	Request for expedited examination of a design application	
Other fee (specify)					
SUBTOTAL (1) (\$)				SUBTOTAL (3) (\$)	1,125.00

*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	David J. Devernos	Registration No. (Attorney/Agent)	50,128	Telephone	(858) 720-7943	
Signature					Date	July 9, 2004

Duplicate Copy
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sd-208391

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Dated: July 9, 2004 Signature: Cecilia Huerta
(Cecilia Huerta)

Docket No.: 564462000801
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTERIn re Patent Application of:
Dan E. ROBERTSON et al.

JUL 09 2004

Application No.: 09/382,242

Confirmation No.: 4972

Filed: August 24, 1999

Art Unit: 1652

For: ESTERASES

Examiner: R. Prouty

OFFICIAL

AMENDMENT UNDER 35 U.S.C. SEC. 1.114

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Advisory Action of May 14, 2004, and further responsive to the Final Office Action mailed September 29, 2003, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein.

This Response and Amendment is being filed herewith further to a Request for Continued Examination under 37 C.F.R. § 1.114 based on U.S. Application No. 09/382,242, filed August 22, 1999. A Notice of Appeal was mailed January 29, 2004, and the USPTO received the Notice of Appeal on February 2, 2004, as indicated by stamped return postcard. As the initial period for reply was April 2, 2004, a petition for an extension of time of four (4) months to August 2, 2004, is required. Reconsideration is respectfully requested.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding final office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits.

sd-208347

Application No.: 09/382,242

2

Docket No.: 564462000801

Amendment to the claims are reflected in the listing of claims which begin on page 3 of this paper.

Remarks begin on page 9 of this paper.

The following documents are also enclosed herewith:

- Transmittal letter, Fee Transmittal, facsimile cover sheet;
- Petition for an extension of time;
- Request for Continued Examination under 37 C.F.R. § 1.114;
- Exhibit A, Example 9 of the Written Description Guidelines.

sd-208347